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Jun-II Hong

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JUN-IL HONG

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Appeal 2008-1049  
Application 10/038,312  
Technology Center 2100

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Decided: August 29, 2008

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Before JAMES D. THOMAS, JAY P. LUCAS, and THU A. DANG,  
*Administrative Patent Judges.*

THOMAS, *Administrative Patent Judge.*

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1 through 5. We have jurisdiction under 35 U.S.C. § 6(b).

As best representative of the disclosed and claimed invention,  
independent claim 1 is reproduced below:

1. A method of providing a user interface for invoking a plurality of functions related to an individual state indicator in a portable terminal displaying a plurality of individual state indicators, which indicates a state change, the method comprising the steps of:

registering one of the plurality of functions related to the individual state indicator corresponding to a current status change when the stated change to be reflected in the representation of the individual state indicator, occurs;

altering the state representation of the individual state indicator; and

invoking the registered function upon receipt of a user input for designating the individual state indicator.

The following references are relied on by the Examiner:

Horwitz	US 5,774,866	June 30, 1998
Pinard	US 5,898,432	Apr. 27, 1999

Claims 1 through 5 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the Examiner relies upon Pinard view of Horwitz.

Rather than repeat the positions of the Appellant and the Examiner, reference is made to the Brief and Reply Brief for Appellant's positions, and to the Answer for the Examiner's positions.

## OPINION

For the reasons set forth by the Examiner in the Answer, as embellished upon here, we sustain the rejection of claims 1 through 5 under 35 U.S.C. § 103. The top of page 2 of the Brief indicates that claims 1 through 3 fall as a group. Therefore, we consider independent claim 1 as

representative of all of them. Separate groups apply as to independent claims 4 and 5. As best represented by the statement at the middle of page 3 of the Reply Brief, Appellant does not argue that Pinard and Horwitz are not properly combinable within 35 U.S.C. § 103, but only that the combination does not teach the subject matter of the argued claims on appeal. With this view, we strongly disagree.

According to Pinard, a single cursor 23 in figure 32 has different changeable forms or representations as icons 25 in figures 3 through 5 and correspondingly different functions that may be invoked by the user for each of them. The Examiner's best statement of the Examiner's views with respect to Pinard appears at page 11 of the Answer.

Because we agree with the Examiner's Answer analysis of the teaching value of both references as expressed at page 14 of the Answer, we reproduce them here:

Although Pinard doesn't explicitly teach that the user input is selection of the indicator, Horwitz teaches the subject limitation. Similar to Pinard, Horwitz also teaches the display of an indicator upon occurrence of an event, i.e. the display of the alarm status flashing icon when conflicting search results are found, as recited in column 21, lines 1-15. Horwitz further teaches that the registered function of the indicator is invoked upon user selection of the indicator, i.e. the registered function of displaying selected information associated with the alarm status flashing icon, i.e. a list of potential matters which produced the conflicts, is invoked if the user selects the alarm status flashing icon, as recited in column 21, lines 1-15 and 26-30. Therefore, since Pinard teaches invoking one of a plurality of registered functions of an indicator upon receipt of a user input and Horwitz teaches the invocation of the function of the state indicator upon designation of the indicator, the combination of Pinard and Horwitz teaches invoking one of a plurality of registered functions of an indicator upon user input designating the indicator.

With respect to these remarks, it is significant to note that the artisan may understand Pinard as teaching a user input is the selection of the indicator according to the discussion at column 6, lines 6 through 11. Here a respective user response for each of the showings of the cursor in figures 3 through 5 effectively invokes the change of the cursor back to its original form as representative as an arrow in figure 2.

We therefore do not agree with Appellant's continued urging at pages 2 and 3 of the Reply Brief that the combination of Pinard and Horwitz discloses only a cursor whose form changes but whose function remains fixed or unchanged. The Appellant's discussion here also takes a limited view of the teaching value of Pinard by only looking at its abstract. From our perspective, the teaching value of the combination of references to an artisan is best represented by the Examiner's views and not Appellant's limited views as expressed in the Brief and Reply Brief.

The artisan would understand that the generic state indicator of representative independent claim 1, the specific message state indicator in independent claim 4 and the specific alarm state indicator of independent claim 5 are represented among the teachings and illustrations in Pinard and Horwitz as outlined by the Examiner. These are also indicated in the discussion of Appellant's views with respect to the prior art at Specification page 1, line 19 through the discussion before the Summary of the Invention at Specification page 3. The actual specific types of indicators are discussed with respect to prior art figure 1 and the discussion beginning at page 1 through the top of page 2.

Significantly, the discussion of and showing in Appellant's admitted prior art figure 2 at pages 2 and 3 of the Specification as filed appear to us to buttress the Examiner's positions with respect to Pinard and Horwitz, since it is known in the art that state changes can occur, and even new state indicators be produced with respect to stated indicators illustrated in Appellant's prior art figure 1. The discussion on these pages indicates that the user may indirectly invoke a function or directly invoke a function associated with the changed state indicator, as claimed. The ability of the user to directly invoke an intended function as expressed in the Summary of the Invention at page 3, lines 21 through 26, and at Specification page 10, lines 13 through 19, is not only known in the discussion associated with the admitted prior art at Specification pages 2 and 3, but it also is not recited in the claims on appeal.

In view of the foregoing, we have sustained the rejection of claims 1 through 5 under 35 U.S.C. § 103 since Appellant has not presented persuasive arguments of any errors in the Examiner's positions. Therefore, the decision of the Examiner is affirmed.

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Application 10/038,312

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. §1.136(a). See 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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